App F IX 4

Previous References
Geol 56-25-Sh 1-13

1936
(Qual)

File No 68-36
Serial Nos 8298

Letter References

GENERAL AND REVENUE SECRETARIAT

Serial Nos JWO

Part B for Aug 37

SUBJECT

Licensing fee for the Petrol Pump out bits Dawangere

98) Jo
The D C Chitaldroog
No L 1454 d 6 8 37

WD 0418—GPB—22 500—2/8 36

States that Govt agree with his views

(R S APP F III—1] 1937

GENERAL AND REVENUE SECRETARIAT

(Rev)

NOTES

Rev File No 68-36

FILE HEADING

FROM The Dep Comm, Chittagong

No AG C 2710, 36-37 Dated 1-5-37 Received

Diary No	Enclos	Spare copies	Serial No

BRIEF ABSTRACT OF LETTER

Asking orders of Govt regarding the claim of the Baranguee Town relel for the payment of 1 cent free at Rs 10 p a on each of the two petrol pump out lets erected at Baranguee Town by the Burmah Shell and Storage Company

NOTES AND ORDERS

~~The Company~~ It is reported that the Company has refused to make the payments due for the years 1935-36 and 1936-37, as demanded by the Baranguee Town relel on the strength of the first note no 8

NOTES—First Sheet

WD 0745—GPB—2 500—23 8 39

Licensing fee for the Petrol pump outlets — 639/p 837

4903 damages

Rel File No 68 of 1936 4903 General and Revenue Secretariat

783/Genl 56-25-13 dy 5-8-31 and

Govt Regl letter no D 3026/Genl 20-36-5

dy 9-11-34

Q the Govt cannot consider that after

the issue of the first notn dy 5-8-31,

the Rel Regulation and the Dangerous and

Offensive Trades Byelaws framed by the Rlwy

became inoperative in this case, that

the Rlwy is precluded from the demanding

the license fee @ Rs 10/- p a and that

the licensing fee levied from 1931-32 to

1934-35 has to be refunded by the

Rlwy, being ultra vires the Govt cannot

support the contention of the ~~Petitioner~~ Company

3 Subs for orders

4 The matter has been

dy/8/37 sufficiently discussed in Genl

56-25-13 & the Notification

1931 is also clear that the

Municipality's power of taxation

is limited to cases where less than

500 gallons of petrol are possessed.

A similar case arose in

Hassan to which a reply

639/37
P

General and Revenue Secretariat — File No 68 of 1936-37 — [App F III—2

Serial No

5

[illegible] 8/37

has given that no licence from the Municipality need be taken if the amount of 5000 gallons is exceeded Reply on the same lines may be sent to the present communication also.

Yours
8/7

Dear Secy

22/7/37

5 The Law Br may be consulted

27/7

Asst Secy (Law N C)

29

Law
PSHR
28/7

6 I agree with the V ews expressed from Asst Secy (L S G) In view of the Municipality dated 5 8 31 (flag B), the claim of the Municipality seems to be untenable

PSHR
29/7/37

Asst Secy L S G for WRC

7 Submitted for orders, reference para 5 of the note from Mr Ivy (Asst Secy L S G)

29/7/37

2
29/7/

8 A reply may be sent stating that Govt agree with the view of the Municipality

Member in charge

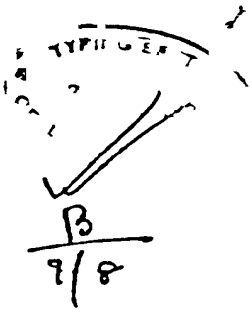
30/7/37

30/7

NOTE —Contn Sheet

WD 03 94—GPB—30 000—18 7-35

File No 6 8 — 4903 — 2 — of 1936	General and Revenue Secretariat
Draft reply as submitted for approval Rptr 3/8/37 Sd Sd 2/3/37 To the D C Chitaldrug Dtd 2/1654 dated 6-8-37 States that Govt agree with his views.	78



MC 68-32-32

T l Add es —D p m
CHITALDRUG

In ply plea f to
N AG C 2710/36-37
E l re

OFFICE OF THE DEPUTY COMMISSIONER
CHITALDRUG DISTRICT

Dated Chitaldrug 1st May 1937

6352 Jun 115
D 4903 -37

FROM

M NAVANEETHAM NAIDU ESQ BA BL
Deputy Commissioner
Chitaldrug District

4 MAY 193
SECY TO GOVT
DEVELOPMENT DEPTT.

To

V Vedavyasacharya Esquire B A ,
Development Secretary to Government,
B A N G A L O R E

Sir,

I have the honor to state that the Davangere town Municipal council having demanded the payment of the licensing fee at Rs 10 per annum on each of the two petrol pump outfits erected at Davangere town for the storage and sale of petrol by the Burmah Shell oil Storage Company Ltd , due for the years 1935-36 and 1936-1937, the Company sent an application to this office representing that the demand made by the Davangere Municipal Council was not justifiable as the Company was obtaining licenses from the Chief Inspector of Mines and Explosives, Ooregaum after payment of the requisite fee and that the levy of the same by the Davangere Municipal Council was ultra vires under Government Notification No D 783 Geol 56-25-13 dated 5th August 1931

It has further been represented that on a similar occasion in the Hassan Municipality, the Company approached Government and obtained an endorsement from the Development Secretariat with No 3076/License G nl 70-34-5 dated 9th November 1934 to the effect that it was not necessary for the Company to take out such licenses from the municipality if the quantities of petroleum stored exceeded the limit of 500 and 3 gallons of ordirary and dangerous petroleum respectively

A copy of the detailed report obtained from the President of the Municipal Council (report No H C 131/36-37 dated 24/29th January 1937) in the matter is enclosed It is seen therefrom that the Davangere municipality had recovered the licensing fee of Rs 80 for the two petrol pumps for 4 years from 1931-32 to 1934-35 and has again been demanding the said fee also for the

years 1935-36 and 1936-37 on the strength of the Dangerous and offensive trade bye-laws sanctioned by Government in their order No L 1222 Ml 55-21-197 dated 2nd August 1922 A copy of the printed bye-law is enclosed for reference

The President is of the opinion that the Company is liable to pay license fees to the municipality as they are storing 1000 gallons in their storage tanks

I think that after the issue of Government notification of 5th August 1931, the Municipal Regulation has no operation in this case The bye-laws framed under the Municipal Regulation have therefore no application to this case The municipality is therefore precluded from demanding the license fee of Rs 10 per annum The municipal bye-laws having thus become inapplicable to this case, the licensing fee levied from 1931-32 to 1934-35 is ultra vires and the amount of license fee paid so far has to be refunded by the municipality There is thus force in the contention of the Company

In the circumstances I solicit early orders of Government in the matter

I have the honor to be,

S I R,

Your most obedient servant,

Deputy Commissioner,

Chittirug District

9/1157

Letter No H C 131/36-37 dated 29-1-1937 from the President, Town Municipal Council, Davangere, to the Deputy Commissioner, Chitaldrug District

SUBJECT PETROL PUMPS OWNED BY THE BURMAH SHELL OIL STORAGE AND DISTRIBUTING CO OF INDIA LTD AT DAVANGERE AND LICENSE FEE DUE BY THEM FOR THE YEARS 1935-36 and 1936-37

With reference to your memo No A6 Pet 354/36-37 dated 17-11-1936 forwarding the petition of the above company dated 26/27-10-36 for a detailed report on the points urged in the petition &c , I have the honor to state that 2 sites have been granted to the said firm near the Bus stand in front of the Taluk Office at Davangere for the erection of two kerb-side petrol pumps on a monthly rental of Rs 15 per pump The rent is being received regularly The rent for the last time was received on 29-8-36 Bu under rule 4 of Dangerous and offensive Trades bye-laws in force in this municipality they have to pay license fees of Rs 10 per annum for each storage tank of the capacity of 1000 gallons for storing petrol for sale within the municipal limits Copy of the bye-laws in force in this municipality is herein enclosed for kind perusal

On a previous occasion a reference was made to the firm with this office No M T 637 dated 1-10-33 (copy enclosed) for the recovery of licens fees for the storage and sale of petrol by the above company at Davangere and after correspondence between the company and the municipality the Director of Industries and Commerce and the Deputy Commissioner a final reference was received from the Deputy Commissioner on 8-6-1934 (copy enclosed) calling for a report as to what kind of fees was demanded and under what provision of law A final report was submitted to the Deputy Commissioner with this office No M T 253/33-34 dated 9-6-1934 (copy enclosed for ready reference) No reply has been received so far When the matter was at this stage a license fee of Rs 80 for the period of 4 years from 1931-32 to 1934-35 was paid in the month of November 1934 by the Company As the license fees for 35-36 became due a reference was made with this office No M T 805 dated 9-12-35 (copy enclosed) to the Company for payment and it was also pointed out to the Company on 27-6-1936 that they had paid Rs 80 in November 1934

It is now urged by the company in their letter dated 2-1-1936 (copy enclosed) that they are not liable to pay license fees according to notification No D 783 Geol 56-25-13 dated 5-8-1931 of the Development Secretary as they have paid license fees for storage and sale of petrol levied by the Department of Explosives Notification referred to by them relates possession or transport of ordinary petroleum not exceeding 500 gallons and dangerous petroleum not exceeding 3 gallons [illegible] are storing 100

in their storage tanks in the municipal limits for purposes of sale, they are to be regarded as liable to pay license fees to the municipality

Further they have been given permission to erect the petrol pumps subject to the condition of municipal Regulation and bye-laws thereunder including the bye-laws requiring the obtaining of license for keeping the pumps on payment of an annual license fee fixed by the municipality (vide their registered agreement dated 25-7-1931)

Under the circumstances stated above, they are liable to pay license fee of Rs 10 per pump for storing petrol for sale in the underground tanks for the years 1935-36 and 1936-37

The petition and other papers received with your memo under reference are herewith returned along with the connected file of records that were in this office for kind perusal and return when done with

"COPY"

Deputy Commissioner,
Cuttaldrug District

T l Address —Depcom
CHITALDRUG

In reply please refer
No A6 C 2710/36-37
Enclosures

OFFICE OF THE DEPUTY COMMISSIONER
CHITALDRUG DISTRICT

Dated Chitaldrug 28th July 193 7

553

FROM M Navane tnam Naidu Esq B A ,B L ,
Deputy Commissioner
Chitaldrug District

To

P Y Krisnna Rao Esq M A ,
Secretary to Government,
Local Self-Government Dept
B A N G A L O R E

Sir,

I have the honor to invite kind reference to this office letter No A6 C 2710/36-37 dated 1st May 1937 re the refunding of tne licensing fee levied on the Burmah Shell Oil Storage Company Ltd , by the Davangere Town Municipal Council etc , and to request tne favor of early orders in the matter

I have the nonor to be,
S I R,
Your most obedient servant

DEPUTY COMMISSIONER,
CHITALDRUG DISTRICT

S V

in their storag

are to be repar

Appendix F G—1]

SUBJECT .....

Section MC
File No 68-36
Serial No 98

Diary No of letter replied to .....

No L/1454/G&S

To

The Deputy Commissioner,
Chatalang District.

General and Revenue Secretariat

( )

the *193*

Sir,

With reference to your letter No A&C 2710/36-37 dated 1-5-37 stating that the Davangere Town Municipal Council have demanded licensing fee at Rs 10 per annum on each of the two petrol pump outfits erected at Davangere Town for the storage and sale of petrol by the Burmah Shell Oil Storage Company Ltd for the years 1935-36 and 1936-37 on the strength of the dangerous and offensive trade by-laws in force in the Municipality,

Date of issue 6/8/37

Signed by H. M. S. Hume

List of enclosures

Copied by

Examined by

that after the issue of Notification
No D 783/ Genl SG 25-13 dated
5-8-1931 limiting the operation of
the Municipal Regulation to the possession
and transport of ordinary petroleum
not exceeding 500 gallons and of
dangerous petroleum not exceeding
three gallons, the Municipal Regulation
and the by laws framed thereunder
are not applicable in this respect,
that therefore the Municipality
is precluded from demanding the
license fee from the Company and
that the licensing fee levied from the years
1931-32 to 1934-35 has to be
refunded by the Municipality and
soliciting orders in the matter, I
am directed to state that Govt
agree with your views that
the claim of the Municipality is
untenable -
The enclosures are herewith returned
I have etc

2/3/11

for Secy to S of S

for Secy

Copy to the Development Branch

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L 1454/Ls Rev S Dated Bangalore 5th August 1937

From HL 68-36-98

The Secretary to the Government of His Highness the Maharaja of Mysore
Local Self Government Department

To

The Deputy Commissioner,
Chitaldrug District

Sir

With reference to your letter No A6 C 2710/36-37 dated the 1st May 1937, stating that the Davangere Town Municipal Council have demanded licensing fee at Rs 10/- per annum on each of the two petrol pump outfits erected at Davangere Town for the storage and sale of petrol by the Burmah Shell Oil Storage Company, Ltd , for the years 1935-36 and 1936-37 on the strength of the dangerous and offensive trade by-laws in force in the Municipality, that after the issue of Notification No D 783/Geol 56-25-13 dated the 5th August 1931, limiting the operation of the Municipal Regulation to the possession and transport of ordinary petroleum not exceeding 500 gallons and of dangerous petroleum not exceeding three gallons, the Municipal Regulation and the by-laws framed thereunder are not applicable in this respect, that therefore the Municipality is precluded from demanding the license fee from the Company and that the licensing fee levied from the years 1931-32 to 1934-35 has to be refunded by the Municipality and soliciting orders in the matter, I am directed to state that Government agree with your views that the claim of the municipality is untenable

The enclosures are herewith returned

I have the honour to be,
Sir,
Your most obedient servant,

For Secretary to Government,
L S G Department

R 3